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Remarks

Applicant respectfully requests reconsideration of this application as amended herein.

This amendment duplicates the Rule 116 Amendment filed in this Application with the Appeal Brief on Aug. 23, 2005. Applicant was never informed whether this Rule 116 Amendment was entered and therefore assumes that it was not. It is now resubmitted as a Rule 111 Amendment following the reopening of prosecution by the Examiner. The Amendment amends claims 1 and 2 to improve the readability and definiteness of the claims. No new material has been added and the only changes proposed are to improve the clarity of the claims regarding the several surfaces that are recited. The Examiner has not objected to claims 1 and 2 on the ground of lack of clarity, but Applicant would like to take this opportunity to make the claims as clear and definite as possible. Since it is intended that the scope of the claims remain unchanged, Applicants remarks to follow will be directed at the Examiner's argument against the claims as stated in the outstanding Office Action.

Claims 1, 2, 4-8, 12 and 15-17 have been rejected under 35 USC 103 as unpatentable over Peterka in view of Ruiz.

Peterka discloses a mirror-mounting device having a pillar 14 with an external screw threading 17 at the top onto which a clamping knob 18 can be screw-threaded to engage and hold the mirror 1 in place in a slot in the pillar 14. Peterka shows several different forms of slots, including a slot 20a in Fig. 5 having surfaces for engaging two non-parallel outside surfaces of the mirror, such as a corner. All of the slots in all of Peterka's pillars terminate short of the bottom surface of the pillar 14 to leave projecting therefrom a part adjacent said recessed part so that this projecting part is able to engage under the rear surface of the mirror and act as a support therefore by holding it away from the subjacent surface". (Col. 1, lines 28-32) The purpose of that arrangement is to hold the mirror 1 slightly away from the support 2 to ventilate its rear face . . ." (Col 2, lines 48-49)

Ruiz discloses a device for holding a circular glass cover 4 on a light fitting. As shown in Fig. 1, it has three columns 2, arranged equidistant from each other around the periphery of a flat circular fitting plate 1 which is attached to a wall. Each column is attached to the fitting plate 1 by screws, shown in Fig. 2. Two of the columns have a sideward opening slot 3 facing radially inwardly for receiving the edge of the glass cover

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4. The third column 2, shown in Figs. 3 and 4, has a head plate 5 that can be turned to open the slot 3 for insertion of the glass cover 4, and then turned back to hold the cover in place.

The Examiner postulates that it would have been obvious to a person of ordinary skill in the art to have "replaced the top on the base taught by Peterka, with a pivotal top such as taught by Ruiz, for the purpose of facilitating the removal and insertion of an object held by the support.

Applicant believes that the rejection of claims 1, 2, 4-8, 12, and 15-17 under 35 USC 103(a) as unpatentable over Peterka in view of Ruiz was improper because the combination would not have been obvious to a person of ordinary skill in the art, and even if these references were combined, the combination would not have produced an article that would fall within the scope of the rejected claims.

The Examiner assumes that it would be obvious to a person of ordinary skill in the art to combine these two references "for the purpose of facilitating the removal and insertion of an object held by the support". Applicant respectfully disagrees that the replacement of the replacement of the simple, inexpensive and reliable knob of Peterka with the more expensive and complicated rotating top plate of Ruiz would occur to a person of ordinary skill in the art. It would not be an improvement for Peterka's mirror mount and would be less secure because it would be susceptible to inadvertent opening. Those skill in the art do not make random combinations of elements available in the prior art merely because it might be possible to make the combination. They make changes in existing articles to offer a improvement in function or cost (preferably both) that will motivate people to buy the new product. The changes proposed by the Examiner do not improve the function of the device and it increases the cost. Therefore, there is nothing in the disclosure of these two references that would induce a person of ordinary skill in the art to attempt to produce a new mirror holding device or light fixture glass cover holding device that would utilize the combination of the two structures as postulated by the Examiner.

Claim 1 calls for a base 1 (page 3, line 20) having a face 7 (page 4, line 23) for engaging an outside corner of an object 8 (page 4) needing secure physical connection to another surface. The face has surfaces for engaging two non-parallel outside surfaces of the object, wherein the engaging surfaces extend all the way to the bottom surface of the base 1. Neither Peterka nor Ruiz hold their glass on the

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supporting surface, but instead hold it on a separate support (11 or 21 in Peterka; 9 in Ruiz) that supports the glass spaced away from the supporting surface. The invention defined in claim 1 calls for the surfaces of angled face 7 for engaging two non-parallel outside surfaces of the object to extend all the way to the bottom surface of the base 1, allowing the object to be supported directly on the supporting surface and being held in contact with the supporting surface by the locking mounts. Neither Peterka nor Ruiz include such a feature and there is nothing in the cited references that would motivate a person of ordinary skill in the art to change the references in this way. Even if he did think of doing it he would likely reject the idea because it would defeat the purpose of the references, which is to hold the object in a position spaced from the wall. Thus, neither Ruiz and Peterka include a disclosure of surfaces for engaging the outside corner of an object wherein the surfaces extend all the way to the bottom surface of the base, and therefore the combination, even if it were obvious to combine them, would not make obvious the invention defined in claim 1.

Claim 1 also calls for a top 2 (page 3, line 21) that is pivotally mounted on the base 1 to rotate over the base 1 and lie on a plane orthogonal to the surfaces of the face 7. The top 2 can be swiveled to engage upper surfaces of the object 8 that lie orthogonal to the outside surfaces 7 and hold the object in contact with the other surface (the surface on which the object 8 sits) when forces are exerted on the object 8 tending to lift the object 8 away from the other surface. The top 2 locks into either a closed position over the face 7, or an open position clear of the face 7.

Ruiz has a "top" 5 that is roughly orthogonal to only one surface (the vertical surface, but not the other surface in which the spring-loaded ball 9 is mounted, contrary to the limitations of claim 1. Indeed, the surface in which the spring-loaded ball 9 is mounted does not actually engage the surfaces of the object; the balls 9 do. Thus, Ruiz does not teach these limitations in claim 1.

The rotating top plate of Ruiz does not lock in any position. It swivels freely to any position to which it is moved. If it were mounted on the Peterka device in some way unknown to Applicant and not of record in this prosecution, it would not be locked in any position. This is a weakness of the combination that would further induce a person of ordinary skill in the art to avoid attempting to utilize Ruiz' top plate 5 in Peterka's device. But even if he were to make the combination, it still would not meet the

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limitations of claim 1 because the Ruiz' top plate 5 would not be locked in the open or closed position on Peterka's pillar 14

Claim 2 calls for the face of the base to have an inwardly opening angled portion having inwardly facing surfaces that engage an outside corner of the object to prevent the object from moving laterally while it is supported on the other surface. This clarifies even further, if possible, that the claimed devices are for holding the object in place laterally while it is supported by the other surface, but are not intended primarily for supporting the object's full weight, as both Ruiz and Peterka do. Applicant's devices actually will support the full weight of the object if the case is inverted, but that is not how it is intended to be used normally. Normally, the object is used while supported on the other surface (the inside floor of the case) and is held in place there while it is in use (unless it is removed from the case for use or replacement, which is easily done.) While the case is being transported, the devices hold the object in place against shifting laterally relative to the other surface. Ruiz and Peterka both hold the object in spaced relation from the supporting surface; they do not have surfaces that hold the object laterally in contact with the supporting surface. Hence, claim 2 is patentable over the combination of Ruiz and Peterka.

Claim 4 calls for the base to be lower in profile than the object, whereby the mounting mechanism does not obstruct the use of the object. Both Peterka and Ruiz teach mounting devices for holding a mirror or glass cover on a panel or bulkhead light fixture. These are vertical surfaces, so the limitations of claim 4 are incongruous in the context of Peterka and Ruiz, especially since, in a vertical orientation, the sides of the notches in the pillar 14 and the columns 2 of Ruiz actually support the object (the mirror 1 or the glass cover 4) rather than the "other surface" (which in Ruiz would be the "substantially flat fitting plate 1). Accordingly, attempting to read claims 1 and 4 on Peterka or Ruiz leads to a blind alley wherein attempts to stretch the meanings of the words to read on the references just fail. In Peterka, the object (the mirror 1) is actually supported by "vertical" surfaces of the "recessed part" 19 and 20a, rather than the surface to which the pillar is attached, and the pillar extends well above the top surface of the mirror. Therefore, neither Peterka nor Ruiz teach the limitations in claim 4, so the combination of Peterka and Ruiz could not possibly result in a structure that includes these limitations.

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Claim 6 calls for a clamping mechanism for moving the sideways face for engaging the outside corner of the object against the object to establish firm contact between the face and the object, and claim 7 calls for a clamping device by which clamping pressure of the clamping mechanism is adjustable. This subject matter is illustrated in Fig. 6. There is nothing whatsoever like this in either Peterka or Ruiz. The spring loaded ball 9 in Ruiz is not an adjustable clamping device, and even if it were, it does not move the face for engaging the outside corner of the object needing secure physical connection to another surface against the object to establish firm contact between the face and the object. Ruiz does not teach or need a device for tightening the spring 8. The Examiner's parenthetical statement that "tightening the spring results in greater pressure" may be true, but Ruiz does not teach a way to tighten the spring or that it could or should be tightened, nor that there would be any benefit to tightening the spring. In any case, the ball does not move the face of the base against the object to establish firm contact between the face and the object. It only moves the ball against the object to push the object against the cover 5. Therefore, neither Peterka nor Ruiz, nor the combination of Peterka and Ruiz, teach a structure that meets the limitations of claims 6 and 7.

Claim 8 calls for a mounting mechanism for securing an object 8 (page 4, line 24) to a supporting surface. The mechanism has four uprights, each having a bottom end 1 (page 3, line 20) for attachment to the supporting surface in an array surrounding a space to be occupied by the object 8, and each having a top end with a swiveling top cap 2 (page 3, line 21) overlying the upright. Each upright has an angled recess on upright surfaces 7 thereof (page 4, line 23) facing the space and defined by two intersecting vertical planes for engaging outside corners of the object 8 and preventing lateral movement of the object 8 parallel to the supporting surface. The swiveling top cap has an underside 12 (page 5, line 1) on a horizontal plane for overlying an upwardly facing surface of the object 8 when the object is in the space, to prevent movement of the object away from the supporting surface. A swiveling top cap 2 is mounted atop each of the uprights selectively to swing over the angled recess to restrain the object 8 in the recess, or to swing clear of the angled recess to allow the object in the space to slide up and away from the supporting surface along the vertical planes, thus releasing the object. A detent 4, 5, 5A (page 3, line 22) releasably holds the top caps selectively in either the closed or open position (page 4, lines 6-22).

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Neither Peterka nor Ruiz disclose a detent for releasably holding the top cap selectively in either the closed or open position. Neither do either of them contain any disclosure that would lead a person of ordinary skill in the art to think that it would be a good idea to include such a detent. Neither does either reference teach how to include such a detent in their articles. Ruiz has a spring-loaded ball 9 in one of his columns, shown in Figs. 3 and 4, but this is not a detent. It is merely a spring to support the edge of the glass and hold it snugly in the groove so it does not bang around in there. Thus, Ruiz and Peterka do not teach the structure claimed in claim 8, and Applicant believes that claim 8 should be held to be patentable.

Claim 12 calls for a method of releasably securing an article 8 to a supporting surface against vertical or lateral movement with respect to the supporting surface. The article to be captured is inserted into a space between four mounts, with four corners of the article 8 fitted between four corners of inwardly diverging surfaces 7 of an angled recess in an upstanding base 1 of each mount to prevent lateral movement of the article relative to the supporting surface. A detent 4, 5, 5A (page 3, line 22) releasably holds the top cap securely in place until the top cap is rotated, overcoming the resisting force of the detent tending to hold the top cap closed, to allow the object to be lifted vertically away from the supporting surface (page 4, lines 6-22).

There is no detent in Peterka or Ruiz, as noted in more detail above in the discussion of Claim 8, and there is no "lifting vertically away from the supporting surface" in that combined disclosure since that is not how those devices are intended to function. Therefore, Applicant believes that amended claim 12 is patentable over the cited references.

Claim 15, dependent on claim 12, calls for moving the inwardly diverging surfaces of the angled recess in the upstanding base of the mount into firm contact with the object. There is nothing whatsoever in Peterka or Ruiz that would read on this limitation. Applicant respectfully requests that the Examiner address this issue in his Examiner's Answer so that Applicant can respond in his Reply Brief.

Claim 16, dependent on claim 15, calls for the moving step to include moving an angle piece containing the inwardly diverging surfaces of the angled recess against the object. As with claim 15, there is nothing whatsoever in Peterka that would read on this limitation. Applicant respectfully requests that the Examiner address this issue in his next Action so Applicant can learn what the Examiner has in mind and can address it.

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Claim 17, dependant on claim 16, specifies that the step of moving an angle piece includes tightening a screw threaded in said upstanding base to apply pressure against said angle piece. There is no disclosure whatsoever in any cited reference of moving an angle piece into engagement with the corner of the object by tightening a screw threaded into the upstanding base to apply pressure against the angle piece. Applicant respectfully requests the Examiner to cite where in any reference of record where he finds this disclosure.

Claims 3 and 14 have been rejected under 35 USC 103 as unpatentable over Peterka in view of Ruiz and Stiicheli. Stiicheli teaches an adjustable joint for use in a reading stand for patients confined to bed (see Figs. 4 and 5). The adjustable joint of Stiicheli has detents that allow the reading stand to be releasably held in several positions for the reading comfort of the patient.

Claim 3, dependent on claim 1, calls for a detent 4, 5, 5A for releasably holding the top 2 selectively in either its closed or open position. Claim 14, dependent on claim 12, specifies that the operation of the detent is by compressing a spring 13 when pivoting the top cap 2 to allow the top cap 2 to lift slightly away from the upstanding base 1 so the top cap 2 may be rotated to its open position to allow the article to be lifted out for quick and easy removal.

The Examiner asserts that, to a person of ordinary skill in the art of mounting articles to a support plate, it would have been obvious to have modified Ruiz by selecting teachings from a patent dealing with a reading stand for bed-ridden patients. Applicant believes that Stiicheli is non-analogous art and that a person of ordinary skill in the art of mounting articles to a support plate would not have consulted the medical or hospital appliances art for a teaching of modifications for an article for holding a glass mirror to a panel, as taught by Peterka, or a glass cover to a light fixture, as taught by Ruiz. Moreover, there appears to be no reason for making the Ruiz device more complicated and expensive than it is. Certainly, there is no teaching in either reference of the necessity or advantage of making the change proposed by the Examiner, even though the Examiner has offered a reason of his own. However, the Examiner's reason appears to have originated with Applicant rather than either Peterka, Ruiz or Stiicheli. References teaching detents abound, of course, but there is nothing in the prior art of record that would teach the advisability or benefit of adding a detent to the combined structure of Ruiz and Peterka, as combined by the Examiner, nor of a way of doing so.

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The detent of Stiicheli is to hold the reading stand in any one of a multiplicity of convenient positions for the bed-ridden reader. Applicant's detent has only an open position and a closed position, not a multiplicity of positions. There would seem to be no reason to have a multiplicity of positions for the top plate 5 of Ruiz, which is what Stiicheli teaches. Finally, it is not clear to Applicant how the modification proposed by the Examiner would be made, and the Examiner has not explained what he has in mind. The use of a lever 23 and detent cam 26 would not work in Ruiz, in Applicant's opinion. Perhaps the Examiner will explain in his Final Rejection how this could work. Then Applicant will have a chance to address the issue for the first time in his Appeal Brief.

Claim 14 specifies that the operation of the detent is by compressing a spring 13 when pivoting the top cap 2 to allow the top cap 2 to lift slightly away from the upstanding base 1 so the top cap 2 may be rotated to its open position to allow the article to be lifted out for quick and easy removal. Ruiz has a spring-loaded ball 8, 9 to engage the underside of the glass 4 to snugly hold the edge of the glass within the respective groove. Ruiz does not disclose compressing a spring when pivoting the top cap to allow the top cap to lift slightly away from the upstanding base. He does show a spring 7 around a shaft 6 to hold the top plate downwardly into contact with the support part 10, but the top plate does not lift away from the support part 10 when the top plate is rotated, as Applicant's top cap does. Indeed, Ruiz does not disclose a detent of any kind. Applicant believes that the function of the spring 7 and the shaft 6, the function of which is described in Col. 2, lines 1-5, is entirely different from the claimed method steps and do not fall within the scope of claim 14. There is no vertical movement of the top cap contemplated by Ruiz in his description of the function of the spring 7 and shaft 6. The function is strictly to engage the underside of the glass 4 to snugly hold the edge of the glass in place in the groove. Hence, claim 14 should be patentable over Ruiz.

Claim 18 has been rejected under 35 USC 103 as unpatentable over Peterka in view of Ruiz and Holden. Holden teaches an ultrasonic liquid level indicator for liquids within a reservoir to be administered to a patient, to ensure that the reservoir does not run dry. He has a clamp or grips for attaching the ultrasonic transducer to the reservoir. The clamp has gripping elements made of polyurethane.

Claim 18, dependent on claim 12, calls for the added steps of engaging the article with an elastomeric material such as polyurethane on the inwardly diverging surfaces 7 of the angled recess in the upstanding base to improve the grip of the

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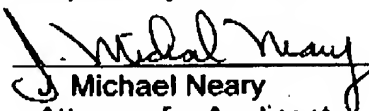
surfaces on the article and to serve to dampen and isolate vibration between the article and the supporting surface.

The Examiner asserts that a person of ordinary skill in the art would naturally look to the medical devices art for a teaching of how to improve the grip of the Peterka's mirror holders on the mirror. Applicant does not believe that Holden is analogous art with Peterka and that even if it were, that the teachings in Holden are inapplicable to Ruiz, since the purpose of the polyurethane gripping elements are to grip the glass surfaces to hold the ultrasonic transducer against the reservoir surface. There is no requirement like that in Peterka. Peterka's holders do not grip the mirror at all; they merely support it. There is no requirement for Peterka's holders to grip the mirror and even the addition of polyurethane on the inwardly diverging surfaces of Peterka would not "grip" the mirror; they would merely support it passively as before. These references are not remotely related Holden and would be of no interest to a person of ordinary skill in the art working on a device like that of Peterka. Accordingly, Applicant believes that the combination of Holden with Peterka would not be obvious to a person of ordinary skill in the art.

Thus, Applicant believes that the claims now pending in this Application all distinguish patentably over the cited references, singly or in combination. Applicant respectfully solicits the Examiner's to reconsider his rejections and if, in his independent judgment, considers the claims to be patentable as Applicant firmly believes, to pass this Application to issue.

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